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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,004	10/31/2003	Hirohisa Tashiro	SHO-0024	8250
23353	7590	05/14/2009	EXAMINER	
RADER FISHMAN & GRAUER PLLC			HSU, RYAN	
LION BUILDING				
1233 20TH STREET N.W., SUITE 501			ART UNIT	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/697,004	TASHIRO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	RYAN HSU	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 January 2009.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,4-6 and 8-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,4-6 and 8-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

In response to the amendments filed on 1/7/08, claim 1 has been amended and claims 17-18 have been newly added. Claims 1, 4-6, 8-18 are pending in the current application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 4-6, 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miur et al. (US 2005/0192090 A1) and further in view of Uchiyama et al. (US 6,638,165 A).**

Regarding claims 1, 8, and 14-18, Muir discloses a gaming machine comprising: a game result display device for displaying a game result thereon; and a beneficial state-generating device for generating a beneficial state for a player (*see ‘winning outcome’ of Fig. 9 and the related description thereof*). Additionally, Muir discloses the game result display device to include a first display device and a second display device arranged in front of a display area of the first display device when seen from a front side of the gaming machine (*see element [16, 68, 80] of Fig. 8 and the related description thereof*). Furthermore, Muir discloses a second display device that has symbol display areas that correspond to the symbol display parts through which the symbols displayed on the first display device are transmittably displayed and the window frames, each respective one of the window frames having an inner periphery to define a window frame display area therebetween, each respective one of the window frames surrounding a respective one of the symbol display parts with a respective inner periphery being contiguous to

a respective symbol display part and wherein the display mode of the window frame display area is changed (*see element [78, 60, 68] of Fig. 8 and the related description thereof*), the illumination device is adapted not to illuminate the symbol corresponding to the symbol display area and a light transmittance rate of the symbol display area is made low (*see paragraph [0011-0015, 0018-0027]*). Furthermore, Muir teaches a system where a controller is operative to cause a display mode of a window frame are to change between a first display mode and a second display mode which are visually different from one another. By altering the light transmittance of the light transmissive display, the controller can alternatively allow the viewer to see the symbol on the first or second display (*see [0011,0018,0022-0029], [0051-0053]*). The ability to view the symbols can therefore be illuminated based upon whether the first symbol display is chosen or the second display symbols is chosen (*see Fig. 8 and the related description thereof, [0017-0022, 0052, 0061-0066]*). However, Muir is silent with respect to a display of a moving object image so as to move along each of the window frames.

In an analogous gaming patent, Uchiyama teaches a gaming machine that comprises two displays that are placed one in front of the other. Uchiyama teaches that one display is a mechanical or physical reel system while the other is video display device (*see Fig. 8(a-c) and the related description thereof*). Uchiyama teaches that the video display device is capable of displaying light transmitting symbols and objects that can variably move about the screen including those of the window frames in the gaming machine (*see col. 12: ln 21-col. 13: ln 40*). Additionally, Uchiyama teaches a gaming device that incorporates window frames in the display

apparatus that has inner periphery and outer periphery disposed around and apart from the inner peripheral to define the window frame display area so that the two display appear to interact with one another (*see Figs. 6-7 and the related description thereof*). Furthermore, Uchiyama teaches the elements of providing a first display mode, where elements have a first size and a second display mode where they have a size that is larger than the first size. These symbols and images displayed on the second display may be super imposed on and moves about the window frame of the display area (*see Fig. 8(a-b)-9 and the related description thereof*). One would be motivated to incorporate the features of Uchiyama with that of Muir in order to create a more stimulating visual experience for the user. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Muir with that of Uchiyama as it would not change the physical capabilities of Muir invention but would add an element that is known in the arts as creating a more visually stimulating experience.

Regarding claims 4 and 9, Muir disclose a gaming machine wherein the display mode of the window frame display area is changed substantially at the same time that the stop display of the symbol is conducted (*see paragraph [0022-0031, 0050-0052]*).

Regarding claims 5 and 10, Muir disclose a gaming machine wherein an internal winning combination determination device for determining an internal winning combination and a display mode of the window frame display area is changed when the internal winning combination determination device determines a predetermined combination as the internal winning combination (*see paragraph [0051-0065]*).

Regarding claims 6 and 11, Muir discloses a gaming machine comprising: a game result display device for displaying a game result thereon; and a beneficial state-generating device for generating a beneficial state for a player (*see ‘winning outcome’ of Fig. 9 and the related description thereof*). Additionally, Muir discloses the game result display device to include a first display device and a second display device arranged in front of a display area of the first display device when seen from a front side of the gaming machine (*see element [16, 68, 80] of Fig. 8 and the related description thereof*). With respect to the first display device, Muir discloses the device to include at least one symbol display part capable of variably displaying one or more symbols and conducting stop display thereof (*see element 16 of Fig. 8 and the related description thereof*). With respect to the second display device, Muir discloses the device to have at least one symbol display area corresponding to the at least one symbol display part through which the symbols displayed on the first display device are transmittably displayed and at least one window frame display area formed around the at least one symbol display area in the second display device (*see element [68, 80, 78, and 60] of Fig. 8 and the related description thereof*). Furthermore, Muir discloses that at least one window frame display area has a first display mode and a second display mode visually different from the first display mode and wherein the at least one window frame area changes from the first display mode to the second display mode when the beneficial state generating device generates the beneficial state for the player (*see Fig. 6-7 and the related description thereof*), the first display mode depicted only as a frame structure and the second display mode being a moving image superimposed on and moving along the frame structure (*see paragraph [0022-0030, 0051-0068]*).

Regarding claims 12 and 14, it appears that the effect display area (23) and the LCD (2b) appear to be pointing to the same component as viewed in light of the applicant's own specification (*see Fig. 2*). As a result the Examiner has interpreted the apparatus claim to incorporate that the LCD display would be capable of meeting the limitations required by any effect display area. As such, Muir teaches of gaming machine that comprises:

- 1) an internal winning combination determination device for determining an internal winning combination based on that of a start operation detection device that detects the start operation of a game (*ie: starting a reel game*) (*see paragraph [0040-0048]*).
- 2) The gaming machine has a start operation detection device for detecting a start operation of a game and a game result display device and a beneficial state generating device for generating a beneficial state for a player when a predetermined game result is displayed on the game result display device (*see paragraph [0051] and Figs. 8-9 and the related description thereof*).

Furthermore, Muir discloses a gaming machine that comprises a game result display device that comprises of multiple display devices to be used in conjunction with one another to produce a variable display effect (*see paragraph [0012-0030, 0051-0064]*). The game result display device of Muir discloses:

- 1) a first display device having a plurality of rotatable reels on each periphery of which plural symbols wherein the reels of the first display device are capable of variably displaying the plural symbols when the start operation device detects the start operation of a game and is capable of stopping variable displays of the plural symbols when the stop signal is received for

the variable display of the plural symbols occurs by operation of a stop button (*see Fig. 8-9 and the related description thereof*).

Additionally, the game result display of Muir discloses the use of a liquid crystal display device arranged in front of the first display device when seen from a front side of the gaming machine. The liquid crystal display of Muir is disclose to have a symbol display area capable of transmittably displaying the symbols variably displayed and stopped on the reels and a window frame display area formed so as to enclose the symbol display area and an effect display area other than the symbol display area and the window frame display area, the effect display area displaying an effect image thereon (*see paragraph [0051-0065]*). Due to the interpretation that the LCD display is equivalent to the aforementioned effect display area the LCD of Muir being a LCD display placed in front of a mechanical reel set is capable of displaying any type of animation or symbol graphics on the electronic display device and would therefore meet the limitations of the claims (*see paragraph [0051-0054]*). However, Muir is silent with respect to a display of a moving object image so as to move along each of the window frames.

In an analogous gaming patent, Uchiyama teaches a gaming machine that comprises two displays that are placed one in front of the other. Uchiyama teaches that one display is a mechanical or physical reel system while the other is video display device (*see Fig. 8(a-c) and the related description thereof*). Uchiyama teaches that the video display device is capable of displaying light transmitting symbols and objects that can variably move about the screen including those of the window frames in the gaming machine (*see col. 12: ln 21-col. 13: ln 40*). Additionally, Uchiyama teaches a gaming device that incorporates window frames in the display apparatus that has inner periphery and outer periphery disposed around and apart from the inner

peripheral to define the window frame display area so that the two display appear to interact with one another (*see Figs. 6-7 and the related description thereof*). Furthermore, Uchiyama teaches the elements of providing a first display mode, where elements have a first size and a second display mode where they have a size that is larger than the first size. These symbols and images displayed on the second display may be super imposed on and moves about the window frame of the display area (*see Fig. 8(a-b)-9 and the related description thereof*). One would be motivated to incorporate the features of Uchiyama with that of Muir in order to create a more stimulating visual experience for the user. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Muir with that of Uchiyama as it would not change the physical capabilities of Muir invention but would add an element that is known in the arts as creating a more visually stimulating experience.

#### ***Response to Arguments***

Applicant's arguments filed 1/7/09 have been fully considered but they are not persuasive. Applicant's representative argues the specifics of the third and fourth wherein clause for independent claims 1, 6, 8, 11-16.

With respect to the 3<sup>rd</sup> wherein clause of the independent claims applicant attempts to distinguish between Muir through the window frame display area surrounding the respect symbols. However, such a deficiency is clearly interpreted in the addition of Uchiyama. Uchiyama teaches the window frames as being able to be variably displayed in order to define a window frame display area as can be gleaned from the information provided on Figs 8(a-b) and the related description thereof.

With respect to the 4<sup>th</sup> wherein clause, a controller is used to change between a first display mode and a second display mode to either illuminate the symbol on the first display or the second display as is taught by Muir. The light transmittance of the second display allows the gaming device to switch between the symbol indicated on the first display or to use the superimposed image on the second display. As a result the symbols are illuminated and displayed based upon the selected symbol that is to be displayed (*see Fig. 6-7 and the related description thereof*).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HSU whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571)272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/  
Supervisory Patent Examiner, Art Unit 3714

RH  
May 11, 2009